

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

**IN THE MATTER OF:**

<b>Petition by the State E-rate</b>	<b>)</b>	
<b>Coordinator's Alliance for Clarification)</b>	<b>)</b>	
<b>And/Or Waiver of E-rate Rules</b>	<b>)</b>	
<b>Concerning Technology Plan Creation )</b>	<b>)</b>	<b>CC Docket No. 02-6</b>
<b>And Approval under the Schools And )</b>	<b>)</b>	
<b>Libraries Universal Service Support )</b>	<b>)</b>	
<b>Mechanism</b>	<b>)</b>	

**COMMENTS SUBMITTED BY  
THE MONTANA STATE LIBRARY  
IN RESPONSE TO THE  
STATE E-RATE COORDINATOR'S ALLIANCE PETITION FOR  
CLARIFICATION AND/OR WAIVER OF E-RATE RULES CONCERNING  
TECHNOLOGY PLAN CREATION AND APPROVAL UNDER THE  
SCHOOLS AND LIBRARIES UNIVERSAL SERVICE SUPPORT  
MECHANISM**

**I. Introduction**

The Montana State Library ("MSL") wishes to thank the Federal Communications Commission ("FCC" or "Commission") for its ongoing interest in and support of the National Education Rate Program ("E-rate"). Since the inception of the E-rate program, Montana libraries have received an average of \$110,000 annually in telecommunication and Internet access discounts. We have a large number of very small rural public libraries with scarce funding resources. The E-rate program has proven extremely valuable in helping our libraries build and support their telecommunications infrastructure and provide Internet access to library patrons.

## **II. The Montana State Library**

The mission of the Montana State Library is to meet the information needs of Montana government agency management and staff, ensure all Montana citizens have access to information created by their government, support the role of all Montana libraries in delivering quality library content and services to their patrons, work to strengthen local community public libraries, ensure that Montanans who are visually or physically handicapped are provided access to library resources. MSL measures its successes by its patrons' and partners' successes.

The Montana State Library has an active role in E-rate in Montana. The E-rate Coordinator and Statewide Consulting Librarians assist Montana public librarians in understanding the E-rate process and completing the necessary applications.

The Montana State Library is also the Universal Service Administrative Company ("USAC") appointed state technology plan approver for Montana public libraries. MSL works with public libraries across the state in developing their technology plans and working to ensure that all plans meet E-rate rule requirements.

## **III. The E-rate Program in Montana**

The E-rate program in Montana has proven extremely useful in bringing telecommunications and Internet access to public libraries. The vast majority of E-rate applicants in Montana are considered rural under the rules and definitions of the program.<sup>1</sup> While urban Montana public library applicants such as Parmly Billings and Great Falls also struggle for adequate funding for technology advancements, the advent of E-rate has brought a new level of technology availability to smaller and more remote libraries in this state.

#### **IV. Technology Plans**

The Montana State Library fully understands and supports the importance of planning. All public libraries are encouraged to have a strategic plan to help guide them for the future. Technology planning is an important aspect of this process helping to define and determine how technology can best be used to help them meet their goals for the future. But taken out of the strategic planning context, technology planning to meet E-rate criteria has become yet another obstacle to navigate in what is seen by many as an overly complex process.

MSL and Montana E-rate applicants have become increasingly concerned by the School and Library Division's ("SLD") approach to technology planning,

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<sup>1</sup> Based on the Metropolitan Statistical Area data:  
<http://www.universalservice.org/sl/applicants/step05/urban-rural/msa/montana.asp>

including their interpretation of FCC language regarding the creation of technology plans. The language in the FCC's *Fifth Report and Order* states that a technology plan should be *created* prior to the submission of an applicant's Form 470. However, technology plans do not have to be *approved* until the start of services, July 1. These two different dates are bound to create confusion for applicants.

The SLD has taken what appears to be a rather strident approach considering the FCC's unclear language on this issue, and has demanded to see copies of technology plans looking for proof of creation date. All of the public libraries in Montana participating in E-rate programs requiring technology plans already have plans in place that have been approved by MSL in previous years. Most are simply seeking to maintain services currently offered and covered by these previous plans. Therefore, the creation date seems a meaningless technicality. If the new technology plan is merely an update or minor revision to an existing plan, when was the plan actually created? However, this becomes a serious issue when a library is denied funding for a program in which they have been and continue to be in overall compliance. Nor is there any clear indication of just what would suffice as proof of creation date.

The SLD position on this issue seems contrary to the goals and mission of the E-rate program: “[t]he program is intended to ensure that schools and libraries have access to affordable telecommunications and information services.” Denying applications because of failure to comply with an unclear technicality works against this goal and brings criticism to the E-rate program. This is why many Montana public libraries have opted out of the E-rate program and/or reduce their funding requests year after year. In many cases, they have decided that “E-rate is more trouble than it’s worth.” It also seems contrary to the spirit in the recent FCC *Bishop Perry Order*. On the one hand, the FCC has declared that applications should not be denied based on clerical or ministerial errors. On the other hand, SLD indicates that their applications can be denied on the basis of other minor errors.

## **V. The State E-rate Coordinator’s Alliance Petition**

The Montana State Library fully supports the State E-rate Coordinator’s Alliance (“SECA”) petition for clarification of the rules regarding technology plans. Like SECA, MSL believes the current technology plan practices and rules on this issue to be unclear, vague, and overly broad. We respectfully request that the creation date element of the current technology plan rules be clarified or waived completely.

## **VI. Conclusion**

The Montana State Library wishes to thank the Federal Communications Commission for the opportunity to file comments on this very important issue. We await the Commission's clarification of technology plan rules so that we may direct Montana applicants with confidence regarding this important element of the E-rate process.